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March 7, 2022

The Honorable P. Kevin Castel  
United States District Judge  
Southern District of New York  
500 Pearl Street  
New York, NY 10007

Letter Motion  
Continuance of Sentence Date

RE: United States v. Judon McBride, 20 Cr. 363 (PKC)

Your Honor:

I am writing this motion to request an adjournment of the sentencing date and the dates for submitting sentencing submissions for one week. I sincerely apologize for making this request at such a late date (today was the date for me to file a Sentencing Memorandum), but until this afternoon I thought I might be able to complete the Memorandum and file it before the end of the day. For the reasons I describe below I feel I cannot accomplish that, and therefore I am requesting that the entire schedule for submitting sentencing submissions and for the sentencing hearing be continued for one additional week.

As Your Honor knows, I was appointed to replace prior counsel in this case on November 9, 2021. This is a case that was tried before a jury by prior counsel, and I felt that I had to familiarize myself with the entire record of the trial as well as at least some of the discovery material.

When I previously asked for a somewhat extended schedule for the sentencing process I noted that I was having numerous issues seeing my client at the Brooklyn MDC due to covid-caused lockdowns and suspensions of attorney visits, as well as only erratic success in arranging for telephonic conferences with the client at the jail, which are largely unsatisfactory when there are documents (like the PSR) to review with the client.

I had also mentioned that I had a trial starting with Judge Ramos on February 22, 2022 which I thought would be finished two weeks later, but as it turns out the trial start date was moved to March 2, 2022, and the trial itself was somewhat delayed by the unexpected illness of one of the defendants. The result is that we just started the evidentiary portion of the trial today, and it is expected to go on, with some breaks due to rescheduling of out-of-town witnesses, until at least the middle of next week. Because of the breaks I hope to be able to see my client again before the end of this week, or at worst, on the weekend, which I feel is necessary before I file the sentencing submission.

I would therefore request that the defendant's sentencing hearing be moved from March 22, 2022, to March 29, 2022 (or any day that week except March 31), or any day thereafter; that the defendant's sentencing memorandum be due two weeks prior to whatever the sentence date is, and that the government's submission be due one week prior to the sentence date.

I have discussed this with AUSA Marguerite Colson (who is back on the case) and she has no objection to this request.

Thank you very much for Your Honor's attention to this request.

Sincerely,

/s/ Thomas H. Nooter

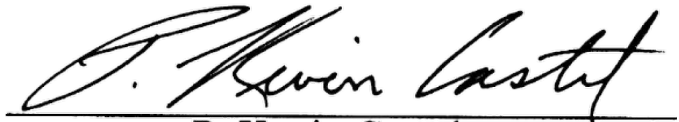
Thomas H. Nooter  
Attorney for Defendant

cc: AUSA Marguerite Colson, by ECF

Sentencing is adjourned from March 22, 2022 to April 5, 2022 at 3:00 p.m. in Courtroom 11D. Sentencing submission from defendant is due 14 days in advance.

SO ORDERED.

Dated: 3/8/2022



P. Kevin Castel

-2- United States District Judge